
Health Care Committee

HB 2266

Brief Description: Concerning access to certain precursor drugs.

Sponsors: Representatives Campbell, Morrell, Green, Moeller, Lantz, Cody and McCune.

Brief Summary of Bill

- Requires that pharmacies, authorized health care practitioners, and registered shopkeepers and itinerant vendors selling products containing ephedrine, pseudoephedrine, or phenylpropanolamine store the products in an inaccessible place and require their customers to produce photo identification and sign a log documenting the transaction.

Hearing Date: 3/1/05

Staff: Chris Blake (786-7392).

Background:

Precursor drugs are substances that can be used to manufacture controlled substances. Ephedrine, pseudoephedrine, or phenylpropanolamine are common precursor items that are often used to illegally manufacture methamphetamine. Methamphetamine is a highly addictive substance that affects the central nervous system.

In Washington, only pharmacies, authorized health care practitioners, and registered shopkeepers and itinerant vendors may sell products containing ephedrine, pseudoephedrine, or phenylpropanolamine to consumers. They may not sell more than three packages of these products in single transaction or a single product containing more than three grams of ephedrine, pseudoephedrine, or phenylpropanolamine.

Manufacturers and wholesalers that sell a precursor substance in a suspicious transaction must report the transaction to the Board of Pharmacy. Shopkeepers and itinerant vendors who purchase ephedrine, pseudoephedrine, or phenylpropanolamine in a suspicious transaction must maintain inventory records of their nonprescription drugs and are limited in the amount of ephedrine, pseudoephedrine, or phenylpropanolamine that they may sell in proportion to their nonprescription drug sales.

Summary of Bill:

Pharmacies, authorized health care practitioners, Chinese herbal practitioners, and registered shopkeepers and itinerant vendors must obtain photo identification from customers prior to

selling, transferring, or furnishing them with retail products containing ephedrine, pseudoephedrine, or phenylpropanolamine. Customers must also sign a log with their name, the date of the sale, and the amount of the product being sold. These products must be kept in a location that is not accessible to customers without the assistance of an employee.

There are exemptions to the identification, written log, and access requirements for products that contain ephedrine, pseudoephedrine, or phenylpropanolamine and that are in liquid, liquid capsule, or gel capsule form; consist of a glycerin matrix that inhibits conversion into a controlled substance; or that the Board of Pharmacy has determined to have been formulated in such a way that prevents conversion into methamphetamine. The identification, written log, and access requirements do not apply to products that may only be sold upon prescription or to pharmacy profiles maintained by pharmacies, shopkeepers, or itinerant vendors.

The Board of Pharmacy, Department of Health, and law enforcement officials may access the written logs for regulatory or law enforcement activities. It is a gross misdemeanor to violate the identification, written log, or access requirements. It is a defense to a violation of these requirements that the entity or its employees made a good faith attempt to comply by requesting that the customer provide identification and document the transaction in the written log. An employer may not retaliate against an employee who made a good faith attempt to comply by requesting that the customer provide identification and document the transaction in the written log.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.